THE COURTS.

Important Proceedings in the Law Courts Yesterday.

The McGarrahan Suit in the United States Supreme Court-The Clarke-Bininger Case on Appeal-Verdict Against an Insurance Company—Compelling a Wife to Testify-Bankruptey Proceedings-The Oakley Embezzlement Case-The Bleecker Street Shooting Affray.

> UNITED STATES SUPREME COURT. The McGarrahan Case.

WASHINGTON, D. C., Jan. 28, 1870. Cox, ex-Secretary of the Interior, vs. The United States ex ret. William McGarrahan.—At the date of the oral argument in this case, made on behalf of the Secretary of the Interior, the relator had leave to file a brief within a week, which is now filed and is in substance as follows:—The writ of error should not be entertained, because the record contains a stinuiation entered into between the parties in the court below, by which the cause was agreed to be submitted to the court and that the court would render its judgment in vacation, there in session, and as of the day of such submis sion, the effect of the stipulation placed the cause beyond the power of either party to prosecute beyond the power of either party to prosecute a writ of 'error in accordance with the provision of the Judiciary act, as a supersedeos the writ of error being required to be taken within ten days from the date of the judgment. It was, therefore, without the ordinary course of law, and consequently a writ of error will not lie from such judgment. The suputation was in the nature of an agreement of arbitration, and was an agreement to accept the opinion of the Court to which it was submitted as the proper judgment in the case, and occause a judgment by consent, from which it was submitted as the proper judgment in the case, and occause a judgment by consent, from which no writ of error lies. Any frequiarity in the process of the Court should have been brought before the Court on motion, and no motion being made in the case the irregularity was waived. The motion filed in the court below and subsequent withdrawn left the excess as though it had not been filed, and was a waiver of the irregularity then and now urged. The alternative writ issued to Secretary Browning was in the flature of a rule to show cause why a peremptory writ should not issue. What was not answered in the return made must be taken as true. Upon the coming mot the return its objection to the jurisdiction of the Court, and that the duty involved was a discretionary one, and must be reformed by the fresident, was adjurged insufficient, and in such case the peremptory writ issues. The writ was properly issue against the hominal desendant or this successor monec. The judgment being by the terms of the appulation entered as of the oth of February, was valid as against the defendant in the suit, and the act to be performed by the terms of the appulation entered as of the oth of February, was valid as against the defendant method and the writ being an official act and not a personal one, the judgment was equally obligatory upon the present incumber of the officer without a first of the courte and the writ being an official and and not a personal one, t error in accordance with the provision of the Judiciary act, as a supersedeos

No. 10. Original—The State of Texas vs. George Peabody.—Judge Paschal moved the return day of the suppœns in this cause be corrected and fixed for the first Monday of December next. It was so ordered. This involves \$167,000 of Texas indemnity bonds which passed into the hands of Feabody. One hundred and sixty-inres thousand were also pur-chased by Droege & Co., of Manchester. These bonds were, not long ago, judiciarly declared im-properly negotiated by the Texas Confederate author-

UNITED STATES CIRCUIT COURT -: N BANKRUPTCY. The Clarke-Bininger Case On Appeal.

Before Judge Woodruff. In the Matter of Clark-Bininger, Declared Bankrupts. - An appeal was taken on this case from ne decision of Judge Blatchford declaring Abraham B. Clarke a bankrupt. The case was set down for argument yesterday, but the appellants not being ready the case was ordered to stand over till Wednesday next. Motion Against the Jurisdiction of the

Superior Court.

Motions on behalf of the creditors for writs to prevent the Superior Court from taking action nullifying the proceedings in this matter of the United States District Court in bankruptcy, and to prevent the receiver appointed by the superior Court, or any other person, from interfering with the rights of the assignee in bankruptcy appointed in this matter, were also put over to Wednesday, when the appear case will be decided.

UNITED STATES DISTRICT COURT -- IN ADMIRALTY.

Verdict Agninst an Insurance Company. Dunenn Mecall vs the Sun Mutual Incurance

Company .- This was an action to recover insurance from Miramicht, put into Cow Bay and was there sunk. The case was held last February, and the plaintiff failing to make out technically his owner-ship, was allowed to withdraw a juror. The case was again held this week. The defendants con-tended that the putting in at Cow Bay was a deviatended that the pitting in at Cow Bay was a devistion from the prescribed voyage, but it was
shown that such deviation was customary.
Defendants also claimed that as the vessel was
afterwards raised and sold, and is now affoat, that
there was not a total loss, and a proper abandonment was not made out.
The Court overruied all these points and directed
a verdict for the plaintin for \$13,450.

A Collision Case. Cornelius Lynch vs. Steamboat Gratitude and Schooner Abner Taylor .- This case is for damages caused by a collision in the Kills, in October, 1868 between schooner Taylor and the canal boat Uriah, between schooner Taylor and the canal boat Criah, in tow by the steamer Gratitude. Counsel for both parties admit the damage occasioned by the collision must be charged to one or the other of the vessels. The case was summed up by counsel for the various parties yesterday, and the papers taken by the Court, who reserved his decision. For libeliants, Goodrich & Wheeler; Beebe, Donahue & Cook for the Gratitude, and E. D. McCarthy for schooner Abner Taylor.

The Seizure of the Continental. last on an order from the court, served by the United States Marshal, but was allowed to proceed on her usual trip to New Haven with a deputy marshal on usual trip to New Haven with a deputy marshal on board. It is alleged on the part of the owners that the steamer never carried any kind of whiskey, as her treight always consists of passengers, baggage and dry goods. The reason of her arrest was that in October last one of the steamers of the company received at New Haven a cargo of empty whiskey barrels, each of which bore a revenue stamp uncancelled, for shipment to New York. The steamer that was to have carried the barrels was the Traveller, but the bill of lading was in the name of the Continental. The necessary papers, bonds, &c., in the case were fied yesterday in the District Attorney's office, where the officers of the boat proposed paying the fine or \$500 on each barrel provided the government would not continue the prosecution. Mr. Pierrepout will refer the case to the authorities in Washington, whose instructions will be followed in the matter.

CHETED STATES DISTRICT COURT-IN DANKRUPTCY.

was the cashier of the Merchants' National Bank,

SUPREME COURT -CHAMBERS. The Balasky-Biddle Shooting Affray-Alleged Breach of Promise of Marriage. Before Judge Cardozo.

an order of arrest against Leo Balasky for the alleged seduction of Emily Knickerbocker on a breach of promise of marriage. Mr. Howe set forth the fact nnected and read the affidavit of the girl, showing that Balasky was about to marry another.

In re Balasky.—This case came up on a motion for

Judge Cardozo granted the order, and ordered the arrest of Balasky, and placed the ball at \$5.000.

In re Biddle.—After the previous case had been disposed of a return to the writ of habeas corpus by the keeper of the City Prison in the case of Biddle was produced before the court.

the keeper of the City Prison in the case of Biddle was produced before the court.

Mr. Blunt, on behalf of the prosecution, submitted the temporary commitment on which the prisoner was detained.

Mr. Howe stated that Baiasky had failed to make any complaint against the prisoner, and had been released from Believue Hospital last Wednesday entirely convalescent. Although search was made for him he cound not be lound, and it was now ascertained that he had absconded. Under the circumstances, connsel asked for the prisoner's discharge.

Mr. Blunt said there was nothing shown except by the commitment. the commitment.

Judge Cardozo adjourned the further hearing of
the case till Monday.

SUPERIOR COURT-SPECIAL TERM.

The Clarke-Bininger Case-Important De-

Before Judge McCunn. In the proceedings to punish John T. Beecher for ontempt, in attempting, as assignee in bankruptcy, to take possession of the property of the firm of Bin-inger & Co., already in the hands of the superntendent, Judge McCunn yesterday rendered hi pinion in substance as follows:-

intendent, Judge McCunn yesterday rendered his opinion in substance as follows:—

The motion is to punish the respondent, John T. Beecher, for contempt of court, in violating an order of injunction and industrying the possession of a receiver appointed by and industrying the contempt, to unitary to demand and receiver and industrying the contempt, to unitary to demand and receiver possession of the property to demand and receiver possession of the property to demand and receiver possession of the property to demand and receiver possession of the court. This the hards of the property of the receiver of the court. This the decision of the court of the property of the respondent and the decision of the decision of the court of the property of interfere with or to arrest the proceedings of a State court in the ordinary and legitimate administration of justice. The action in this court was in the nature of a bit in equity, brought by one partner against another on the dissolution of the copartnership, paying the eveditors and adjusting the reciprocar rights and equities of the copartners. That action is progressing in an orderly course of development toward a final judgment, wherein the rights and interests of the several creditors, as well as of the partners interest, will be ascertained, adjusted and protected upon the principles of equity applicable in analogous cases. In aid of the ultimate relief an injunction was granted and a receiver appointed, with a view to the protection of the copartnership property peaked life. The action was commenced on the lith day of November, 1898, a receiver of the copartnership property was appointed; on the said 18th of November the receiver took possession of the copartnership property and validity of these proceedings, in this court, are not to be impeached by any federal tribunal (see, 1, Art. IV. U. S. Constitution; explored the superior Court, and The intent and policy of the Bankrupt law of 1851 is to insure an equitable appropriation of the debtor's property to have astification of the debtor's property to the satisfaction of the debtor's property is the satisfaction of the debtor's property to the contrastic and assignments which it denomines and invalidates are transfers and assignments in preference or in frame of creditors, acction thry-nine). Noting in the Bankrupt act distinguishes and declares the District Court the only forum where a just and equitable distriction of the debtor's property can be consummated, and the jurisdiction of other tribunals of competent authority, except in saminfaration of bankruptey, is neiture expressly not impliedly excluded. When this court acquired jurisdiction of the copartnership no proceeding in bankruptey had tone of the copartnership no proceeding in bankruptey had tone in the copartnership no proceeding in bankruptey had tone in the copartnership no proceeding in bankruptey had tone in the copartnership to proceed in the protein of the copartnership of the copartnership of the copartnership is a story of the copartnership in the copartnership is a story of the copartnership in the copartnership of the copa any literational unactioned by the advice of counsel, I will dis-conduct was controlled by the advice of counsel, I will dis-miss blue with only a nominal punishment. So much suffices for the vandeation of our authority. I trust the respondent will snare us the necessity of any more severe assertion of

SUPERIOR COURT-SPECIAL TERM.

Surrender and Exonerating Bail in a Civil

Action. Before Chief Justice Barbour. Hall vs. Paine et al .- In this case the parties had a stock transaction, upon which action was brought against the defendant Paine. He was taken into custody upon an order of arrest, and gave ball; the Sheriff, on execution against the defendant's person, returned that he could not be found and subsequently this action was brought against the sureties. The defendant surrendered himself within twenty days after the service of the complaint, but not within twenty days after the commencement of the action.

A motion was now made by Mr. A. H. Reavey for

leave to surrender and to exonerate the ball, which was argued and resisted by Mr. Walker at some

rne Court granted the motion without costs.

SUPERIOR COURT-TRIAL TERM-PART 2. Interesting to Physicians-The Admirers of Esculaplus in Controversy. Before Judge Freedman.

Rogers vs. Hugart .- The plaintiff claimed \$123 for services as a consulting physician. The defence was that plaintiff was employed as an attending physician, and that his services were not immediately required. Half a dozen doctors testifled that the laintin's advice and treatment were proper, and did not cause the death of the defendant's child. Three doctors testified for the defendant that a morphine injection was improper, and in their opinion

caused death.

The Court refused to allow the jury to pass upon
my question except the value of the plaintiffs any question except the value of the plaintiff's services, to which exception was taken, detendant's counsel declining to address the jury within ten minutes, the time allotted by the Court. The jury returned a verdict for the plaintiff for

Mr. McKenzie for plaintiff, Mr. Reavey for de-

COURT OF GENERAL SESSIONS.

Before Gunning S. Bedford, Jr., City Judge. The court met at noon yesterday and the Grand Jury brought in a number of indictments. The foreman stated that they would complete their labors on Monday, at which time the City Judge will discharge them for the term.

Feter Hagan, who was indicted for carrying a sing shot, was honorably discharged.

Samuel Taylor pleaded guilty to an attempt at grand larceny, he having been charged with stealing a case of shoes valued at fifty dollars, the property of Prochawnick & Bium. He was sent to the Penitentiary for one year.

ANOTHER AFFINITY CASE

At the Tombs Police Court yesterday, before Alderman Moore, a young woman of considerable attractions, attired neatly but fashionably, and who gave her name as Kate Hall, preferred a charge telony against Thomas Jacques, alias George Cooper, well dressed and educated man, under the following circumstances:-Miss Hall is not Miss Hall, she Compelling a Wite to Testify.

In the matter of Staats D. Woolford, a bankrupt, a question arose as to the power of the Court to compel the wife of the bankrupt to appear and testify before the litegister in relation to her nusband's assets.

Judge Biatchford decided that the wife must appear for examination as a witness the same as any potential of examination as a witness, and that it she reluses to testify she may be committed for contempt.

Builth STAYES COMMISSIONERS' COURT.

The Oakley Embezzlement Case.

Before Commissioner Shields.

The United States vs. E. J. Vakiev. The defendant is married to a man who prefers a life of dishonesty

THE LATE TRAGEDY IN BROOKLYN.

Third Day's Proceedings in the Second Trial of Edwin Perry.

New Evidence for the Prosecution-How Hayes Was Treated at the Station House - His Dying Declaration Ruled Out by the Court.

The proceedings yesterday in the second trial of Edwin Perry, the alleged murderer of Thomas Hayes, night watchman at Harbeck's stores, Furman street, Brooklyn, which has occupied the attention of the Kings county Court of Oyer and Terminer since Wednesday last, were of great interest, partially in view of the fact that the prosecution in troduced considerable new evidence, and also because the cross-examination of the witnesses elicited some facts of great importance in favor of

The court met at half-past ten c'clock, and, as on the previous days of the trial, all outsiders were deadmission to the court room. Consequently the corridors of the Court House were crowded throughout the day by the friends of the prisoner and others who took an interest in the case. It is a noticeable fact that since the trial of Gonzalez and Peilleier, the Spanish murderers, no case of this character has excited so great a public interest in Brooklyn as that of the man now on trial for his life.

THE TESTIMONY YESTERDAY. Coroner Whitehill was the first witness examined yesterday. He testified to having held the inquest on the body of Hayes and identified the bullet which Dr. McManus, who held the post mortem examination, had delivered to him. On the cross-examina tion, had delivered to him. On the cross-examina tion witness stated that there was no mark upon the ball by which he could distinguish it from any other of about the same calibre; after the doctor handed him the ball he laid it on his desk, where it remained for three hours within access of those who were in the room; he then put the ball in the drawer of his desk and locked the drawer; two other attaches of the office had access to this drawer; ne sent the ball to the District attorney's office and saw it afterwards, but he was unable to swear that the ball he saw this last time was the same one he had sent to the District Attorney; it was one similar to that.

A MATERIOUS FUGITIVE.

swear that the ball he saw this last time was the same one he had sent to the District Attorney; it was one similar to that.

A MYSTERIOUS FUGITIVE.

John Graham, of No. 151 Furman street, which is about a block and a haif from Harbeck's stores, stated that, on the evening of the murder, while standing as his door, he heard the report of a pistol in the direction of the stores, he went down to Harbeck's, and on his way thither he saw a man on the river side of the street coming in an opposite direction—towards Montague street; withess heard a man cry cut, "Murder; Pin snot," when he was approaching Harbeck's stores, but did not see the man at that time; the first man was between witness and Harbeck's stores when the ontery was heard; the person who cried out was about thirty steps from the archway of the stores when Graham first saw him, and he afterwards got on the front platform of the car.

Mr. Bergen cross-examined witness, who stated that after he heard the exclamation, "Murder; Pin shot," he also heard some one cry out, "Stop that man;" when the wounded man got on the front platform of the car he said, "Take me to a doctor; take me to the farry;" if he had said anything else witness would have heard him.

Thomas Gibbons, engineer at the flour mills No. 149 Furman street, about seven o'clock on the evening in question heard the report of firearms and saw a man on a "slight trot" going from the direction of Harbeck's stores towards wall street ferry; the man was on the opposite side of the street, and ran as far as Robbins' stores, when he tarned down the archway; he was a man about dwe feet ten inches in height, weighed about 170 pounds and wore a long coat and small hat.

Michael Cofgan heard the report of the pistol and saw a man run down the archway; he was a man about five feet ten inches in height, weighed about 170 pounds and wore a long coat and small hat.

Michael Cofgan heard the report of the pistol and saw a man run down the archway of Robbins' stores; he did not see him after that; witness is a

dying. Mr. Morris-Did you speak loud enough for the man to hear you?

Mr. Spencer objected, and the question was ruled

PERRY IN BROOKLYN. Officer McDermott, of the Forty-first precinct, testified that acout twelve minutes past seven o'clock,
on the evening of the murder, he saw Perry on the
street leading from Furman street to the Wall street
ferry, and there conversed with him; Perry left and
went up towards Furman street, On the crossexamination witness stated that Perry said he was
on a b—i of a drunk. In reply to a question of a
juror the officer remarked that the prisoner at the
time had on a long blue coat and a cap; he looked
as if he had been on a "drunk."

A blue cap, which had been found in the prisoner's house in Furman street, was shown to witness,
but he could not swear positively that it was the
one worn by Perry at the time he saw him.

Theodore Greaves, of Furman street, saw Perry
pass his place at about seven o'clock on the evening
of the murder.

Andrew Moore saw the prisoner on the evening in

Andrew Moore saw the prisoner on the evening in Andrew Moore saw the prisoner on the evening in question near the Wall street ferry and shook hands with him; left him about thirty paces from Joraiemon street, in Furman, and he continued on towards South ferry; this was shortly before seven o'clock; Perry wore a long bine coat and a cap sinflar to the one shown in court; ne was drunk at the time.

Officer Smith saw the prisoner on the night of the

one shown in court: he was drunk at the time.

Officer Smith saw the prisoner on the night of the murder (about a quarter to eight o'clock), corner of Furman and Aliante streets; when asked if he knew anything about the muss up the street Perry said that he did not. Witness stated that prisoner wore the cap produced or one similar to it.

A PASSAGE AT ARMS.

William McCormack stated that about fifteen minutes to seven o'clock on the evening in question Perry called him out of Herman's liquor store, Furman street, and asked him to go to his wife and get \$100; he said he had had some troucle with some triends, that they had fired at him and that he had fired back; Perry gave witness a note to Mrs. Perry and he delivered it to her at her house; she than dressed herself and took a car going towards Souin ferry, and that was the last he saw of her.

Wm. Crowell corroborated that portion of McCormack's testimony which related to his being called out of the liquor store by Purry.

Officers Denton, Reliban and McLaughlin, who had searched Perry's Rouse, were examined as to the result of their search. Denton found several carridges there and Reliban a book, which the witness McCormack stated looked like the one from which

McCormack stated looked like the one from which Perry tore a leaf to write the note to his wife.

Ann Eliza Hayes,

THE WIDOW OF THE MURDERED MAN,
was sworn and identified the pistol found in the possession of her nusband on the night in question.

The marriage certificate silowing that the couple
were married on the 24th of December, 1863, was
read in evidence, and the witness retired from the
stand.

tand.

Thomas Norton testified that he found a pistol similar to the one produced in the car in which Hayes, after being shot, rode from Harbeck's store

that e.g., after being shot, rode from harbeek a store to the Faiton ferry.

John G. Kiersan, car starter at the Fulton ferry, testified to receiving the revolver from Norton and delivering it to officer Campbell.

The officer was next sworn, and testified to having removed mayes to the station house. Witness iden-tified the pistol delivered him by Kiersan.

The pistol was offered in evidence—no objection made.

HAYES IN THE STATION HOUSE.

Officer Cowen assisted in removing Hayes from the arriage into the station house in York street. Serecant Latting was behind the desk and witness

oke to him.

Mr. Morris—What did you say?

Mr. Spencer objected; objection overruled and ception taken.

Witness—I told the Sergeant that I thought the

man was dying.

Q. Dia Hayes say, or do anything at that time?

Objected to: overruled.

Winess—He did.
Q. What did he say? A. He did not speak.
Q. What did he do? A. He nodded his head.
Q. How long after you made the remark to the sergeant did he (Hayes) nod his head, as described?
A. Immediately after.
Mr. Spencer cross-examined witness, and only asked him whether when Hayes dropped his head it did not drop from faintness or exhaustion. To which she officer repited that he could not tell.
Sergeant Latting's testimony was about to the same effect, with the exception that he did not see Hayes nod his head. The injured man was lying on the floor with a coat under his head. ne floor with a coat under his head.

THE POLICE DEBELICT IN THEIR DUTY.

THE POLICE DESIGNED TO THE AUTOMOTIVE THE POLICE DESIGNED TO WITHOUT A WHETHER THE THE THE THE POLICE WHEN A MAIN WAS DROUGHT INTO THE STATION HOUSE IN THE CONDITION THAT HAYES WAS, A.

station house in the condition that Hayes was, A. Yes, sir.

Mr. Spencer—Is one of them that you lay him down upon his back on the floor for ten minutes?
Judge Fratt—It seems to me that there was a great dereliction of duty on the part of the police.

THE ESCAPE TO WALL STREET PERRY.

Michael Fanning tostified that a person who went through the archway at Hobbins' stores, Furman street, down to the dock, could easily make his way out along the docks to Wall street ferry; witness traversed that way and climbed over the fence hear the ferry into the street.

traversed that way and climbed over the fence near the ferry into the street.

Mr. Spencer to Mr. Morris—Ask him if there is not a board fence there.

Mr. Morris—No, there is not.
Perry (excuedly)—Yes, there is. Yes, there is.
Thomas O'Conner, of Twenty-ninta street. New York, stated that he knew Perry, but had not seen him for two montas previous to this time.

Charles Ray has known Perry about four years, and saw him last on Thanksgiving Day.

Q. You saw some officers up near where you live (New York) the other day, didn't you? A. I don't know whether they were officers.

Q. You threatened to lick them, didn't you?

Mr. Spencer objected, and remarked that he didn't want Perry dragged into any of those matters at all, Mr. Morris said that he desired to show that the

witness endeavored to prevent the officers from acquiring information. He proposed to prove by this witness that Perry stayed at his house on the night of the murder.

Q. Did you not see Edwin Perry on the night of Tucsday, 25th of December? A. No, sir.

Q. Why did you hesitate? A. I don't know why I hesitated.

hesitated.

Q. Did you see him on Wednesday evening? A.

No. sir; when Perry was up town ne would come to my house; he might come once in every month, but not once in every week; he never spent the night at the house with me. Witness denied creating a row in that house with the officers. He did not know that they were there to ascertain whether Perry had slept there or not.

in that house with the officers. He did not know that they were there to ascertain waether Perry had siept there or not.

Robert Day, of No. 102 Fourth street, Williamsburg, knows the prisoner, and saw him between twelve and one o'clock on the day of the murder and before it was committed.

RAYES' DYING DECLARATION RULED OUT.

The question of the admission as evidence of the dying declaration of Hayes, to the effect that Perry was the person who had shot him, was again raised by Mr. Morris for a decision.

Judge Fratt—We have examined the question carefully while this trial has been progressing and on the other trial. We have come to the conclusion that there was one element wanting to make this evidence admissible, and that was simply some evidence, some proof, that at the time the deciration proposed to be put in was made. Hayes knew he was in extremis. There is an entire absence of evidence except what can be drawn from the circumstances. I am satisfied that there had been a dereluction of duty on the part of the police, for one question to Hayes would have settled the whole matter.

The CASE FOR THE PEOPLE CLOSED.

Several other winesses were examined, but no

the whole thatter.

THE CASE FOR THE PEOPLE CLOSED.

Several other witnesses were examined, but no facts of importance were chetted. The case for the people was then closed, and the court, at hall-past four o'clock, adjourned until nine o'clock this morning.

THE MARTIN WHISKEY CRUSADE.

An Interesting Session-Another Application for Adjournment-Interesting Discussion Between Counsel-Attachments Issued for the Arrest and Detention of the Recalcitrant Witnesses-Case Adjourned.

The case of Barker, Bamberger and others, which was adjourned over from Tuesday last to yesterday at noon, was a little after the hour fixed called up by Commissioner Osborn, of the stated in the Herald the defendants are charged with having conspired with others un der bail to appear for examination and defrauded the government by removing a large quantity of distilled spirits from the distillery in Eighteenth street, between Tenth and Eleventh avenues, then owned and run by Barker & Bamberger, to a place other than a bonded warehouse without having paid the legal tax thereon. It will be remembered that when the case was previously before the Commissioner Assistant District Attorney Purdy applied for an adjournment of the case in the ab sence of his witnesses, who had deceived him as to their willingness to attend and testify, and against whom he moved the issuance of attachments to com-pel their attendance on a future day. On that occasion, after strong opposition on the part of Mr. Joseph Bell, defendant's counsel, Commissioner Osborn adjourned the case till this morning.

Soon after the opening of the court room yesterday morning the immease throng that filled the halls and corridors crowded in and occupied every seat and standing space outside the bar, while counsel, defendant and their friends, with the reporters of the press, gathered in force inside the ralls. THE QUESTION OF CONSPIRACY.

The Commissioner, having called on the case, addressed counsel. He understood that there was to be some argument with regard to the question of conspiracy as charged in the adidavits against the

Mr. Bell-Your Honor, I do not think we will enter upon that argument just now. Mr. Purdy-Whatever argument is to be made

upon the question of coaspiracy ought to be made now rather than at any future stage of the proment now.

The Commissioner—The argument upon the charge

of conspiracy must be made to-day, and if not made I will permit the District Attorney to put in his evidence and establish the conspiracy, and in the summing up I will pass upon it, but I shall not permit

any objections. Mr. Sedgwick-Your Honor will permit objections, but will, no doubt, overrule them. The Commissioner-You understand me rightly.

ANOTHER APPLICATION FOR ADJOURNMENT. District Attorney ex-Judge Pierrepont - Your Honor, I have just been informed that a large number of the witnesses who have been subposned in this case have refused to obey the summons of the Court, and I now propose that the proper affigavits

this case have refused to obey the summons of the Court, and I now propose that the proper affidavits in the case be made, and that attachments issue and the parties be arrested.

Mr. Sedgwick—in this connection it is right that the District Attorney should know, which he seemingly is not aware of, that it the last session a similar kind of application was made, and that your Honor on that occasion issued attachments against these same parties.

Mr. Pierrepont—I fild not know that but if attachments were served the witnesses ought to be here.

The Commissioner—I requested the District Attorney to make application for attachments, but I was alterwards informed that the witnesses had presented themselves, and a sured the District Attorney to make application for attachments, but I was alterwards informed that the witnesses had presented themselves, and a sured the District Attorney that they did not intend to stay away.

Air. Pierrepont—Witnesses must obey the process of the Court. I shall see to it that they do.

Mr. Sedgwick—I desire to state, specifically to the Court and to the District Attorney, that, no matter what that officer's anxiety may be to get these absent witnesses here—no matter how great his anxiety may be -ut is no greater than our own.

Mr. Pierrepont—Pirat is the point I make, and I intend that they shall be here.

Mr. Sedgwick—We feel disappointed that the District Attorney did not serve his attachments when he might have done so and brought his witnesses here, and thus have saved the delay and hardship to our clients of a second adjournment.

Witnesses in charge of a marshall make their escape.

Mr. Purdy, Assistant District Attorney—Attachments were served at the time upon some of the witnesses in charge of a marshall make their escape.

hardship to on the constant make their escape.

Mr. Purdy, Assistant District Attorney—Attachments were served at the time upon some of the wisnesses and were brought here, but they represente that the cause of their non-attendance was throng a mistake; that they did not know the day, and they a mistake; that they did not know the day, and they a mistake; that they did not know the day, and they are consequently allowed to depart. I have the were consequently allowed to depart. I have the

were served.
Commissioner—Read the names.
Mr. Purtly read the following names:—John Valdemann, William Dougherty, Thomas Dougaerty,
James Valdemann and Ernst Smith. Mr. Purily continued—I would say, with regard to two or these named witnesses, I had them placed in the Grand Jury room under the charge of a deputy marshal; but they managed to make their escape and get off

about fifteen minutes ago.

The Commissioner—I shall direct that attachments be issued for their arrest, and whenever arrested they shall be lodged in jail until brought here to tea-Mr. Bell—Is it not a fact that at least three of the

Mr. Bell—Is it not a fact that at least three of the witnesses for the prosecution were here in actual attendance on the last day of one examination? The Commissioner—I know nothing about that. Mr. Bell—I ask the connsel? Mr. Purdy—Not one of them.

Mr. Pierrepont—It is enough that they are not here to-day, but we shall try to have them here, and I shall see that the system of disobeying the process of the court shall not continue.

The Commissioner—When the application was before made for adjournment I granted it on the conduction that the case should go on to-day, unless another application was presented based on such grounds as are here set forth. Could not those witnesses be found between this and to-morrow?

Mr. Bell—Being here to-day I should think they could.

Mr. Sedgwick-Your Honor will understand that we want a day fixed that will enable the District Attorney and the Marshal to have the witnesses here.
Mr. Pierrepont-We mean to find out what is in

Mr. Pierrepoilt we mean that the pusted and truth of it; therefore, I agree with counsel on the other size, that it is better to fix a day that will enable the

that it is better to fix a day that will enable the
Marshal, between now and the day to be fixed, to
have these parties arrested and brought here; and,
once here, a few nours will determine the case one
way or the other. What time do you think?

Mr. Bell—We cannot advise.

Mr. Pierrepoid—Tou can suggrest.

Mr. Bell—We desire that the government shall take
such time as the District Attorney may judge will
enable him to say whether the attendance of these
parties can be secured, as my associate said we are
as anxious as the other side can be that they should
appear and accuse us, if they have anything to accuse us of.

appear and accase us, it they not a specific cuse us of.

Mr. Sedgwick—Your Honor, our only safety is in having them here to testify in public. These men may make what affidavits they please before notary publics, and may swear to any faisehood because not amenable to prosecution and publishment; therefore, we want an examination so that all the facts shall be brought to light, and the witnessed held accountable for the trata or lainty of their testimony.

The QUESTION OF ADJOURNMENT.

Mr. Pierrepont—That is matter of importance. It is important to every one connected with this case that there should be a thorologic examination, and t consider it my official duty to find out who those parties who have been making exparts or false state-

The Commissioner—I shall issue attachments for the arrest of the parties, and when arrested they shall remain in custedy till Tuesday next at ten o'clock, when they shall be produced in court.

The case was accordingly adjourned, and the audience cleared out, filling the corriders and halls as they passed to the street.

SUBURBAN INTELLIGENCE.

NEW JERSEY.

Jersey City.
THE CALEDONIAN CLUB held a ball last night at Cooper Hall, which was largely attended. Several Highland pipers in "kilt and hose" were to be seen and heard through the hall while the guests waltzed to the merry airs of Old Caledonia, "stern and wild."

THE ORPHANS' BALL.-Great preparations are being made for the orphan's ball, which will come off in the middle of February under the auspices of St. Mary's Young Men's Catholic Association, which has been recently organized. This ball will aid a great work of charity, and it promises to be a suc-cess.

CHARGED WITH VIOLATION OF THE REVENUE LAWS .- Thomas Kelly, the proprietor of the liquo: store at the corner of Hudson and York streets, was arrested on Thursday night by detective McDonough on the charge of rectifying winskey without a license. He gave bail in \$5,000 to appear for exami-nation. Mr. Harper, of Prospect street, is under bail for a similar offence. DISTURBANCE AT THE ERIE WORKSHOP .- A Crowd

of youngsters followed the New York mechanics who were on their way from the Erie workshop to the ferry last evening. They not only hooted and yelled but some of them threw stones. Hereupon one of the mechanics drew a revolver and turned on the crowd, who at once took to their heels. The older folks have become too wise to engage in any such amusement again. Hoboken.

THE BOARD OF EDUCATION are engaged in th consideration of the question whether a negro shall be admitted to the public schools. A motion for admission was laid on the table at the last meeting of the Board.

CHARTER AMENDMENTS .- A meeting of the Common Council was held last evening, at which severa amendments to the city charter were discussed Among these are the following:—To abolish the salary of aldermen; to reduce the number of aldermen in each ward from three to two; to reduce the number of school trustees in each ward from three to two; to regulate the terms on which the public priming shall be performed, and to make a radical change in the mode of assessment for public improvement. Each of these amendments must be submitted to the people and receive the approval of a majority before it can become a law. Hudson City.

THE HARRISON-VREELAND BREACH OF PROMISE CASE.—The suit of Mrs. Harrison against George Vrecland, for breach of promise of marriage, was compromised, and a settlement of \$2.250 damages was entered for plaintiff. The damages were laid at \$40,000.

BRUTAL TREATMENT OF A WOMAN BY HER HUS-BAND.-A man named James Foran was arrested yesterday on a warrant issued by Recorder Aldridge. at the instance of Mrs. Foran. Her adidavit is substantially as follows:—Her husband wounded and thumped her with his list till she was unable to raise her hand to her head; he threatened on several raise aer hand to her head; he threatened on several occasions to poison her, and a few hights ago he prepared a rope and placed it in the bed, and she was so terrified nereoy that sue dut not sieep that night; he tareatened to take her life with a kulfe, so that at last she was obliged to leave the house at night lest he would murder her. The Recorder decined the case so serious that he would not take bail, but sent the man to the county jail to be dealt with directly by the Grand Jury.

Hudson City. zens' Association of the Fourth ward, held at Ma sonic Hall, corner of Montgomery avenue and Col den street, on Thursday night, the following officers were elected for the ensuing year:—John Pletcher, Jr., president; Samuel J. Walford, vice president; Wm. E. Bisnop, secretary; Hermann Bruns, treasurer. The object of the association is to labor for reform and economy in the municipal administration.

ALLEGED MALPEASANCE IN OFFICE-REMOVAL OF THE CHIEF OF POLICE AND TWO OFFICERS. - The city authorities of Bergen have a new-fashioned way of redressing grievances. The following notice was served upon Chief of Police Keenan, adipkauer and officer hunros on Thursday:—"By an order of the Police Board you are hereby dismiss d from the police force of the City of Bergen." This order was signed by Mayor Harrison, the President of the Common Council and Adermen Washburn, Van Keuren and Wakeman from the Police Committee presided over by the Mayor. The order set forth no specifications of charges or grounds for removal, nor were any of the parties brought face to face with their accasers. Add Bauer demanded a trial and was refused. The Chief waiven a trial, and Munro's case was settled some time ago. Even admitting that the three men are guity, this Star Chamber style of procedure will give rise to severe comment. Bauer will appeal to the Common Council for a hearing. Officer Nicholas Pierce succeeds the Chief and officer George Counging takes the place of and Bauer. city authorities of Bergen have a new-fashioned way

Waterloo.

SMASH-UP ON THE SUSSEX RAILROAD.-Yesterday afternoon the passenger train of the Sussex Railroad, running from Waterioo to Andover, met with road, running from Waterioo to Andover, met with a serious and singular accident, which resulted mainly for once man and five or say others were severely injured. It appears that some of the ties were rotten and the tracks became accordingly displaced and supped too far apart for the wheels. The passenger car ran of and tumbled over, and a general smash-up followed. The passengers who were migreed were conversed to Waterioo for medical treatment. The cause of this accident is somewhat novel, and it should open the eyes of ratiroad men to the danger of loose or unsolud thes.

MORE SNEAK TRIEVING. - A German woman named Mrs. Haas entered the dry goods store of John Schloper, on Eroad street, yesterday, and suddenly Schioper, on Frond Street, yesterday, and suddenly disappeared, as did also a piece of muslin measuring thirty yards. The clerks gave chase and were reinforced by detective Smith. Mrs. Hass was overhamed and the missing muslin form. She is held for examination. From the factory of J. S. Grant, in Academy street, \$300 worth of overcoats were carried off by thieves early yesterday morning.

A WOMAN SEVERELY BURNED.—Yesterday fore-

noon, while Mrs. Ringwold, of No. 30 Dey street, was attending to her household duties, her clothing caught fire from the stove. Wild with fright the poor creature dashed into the street. An elder y citizen named Schnefer ran to her assistance, and with a bianket succeeded in smothering the frames, not, however, before she had sastanced very serious lajury about the nead and shoulders. Her recovery

SINGULAR CASE OF INSANITY .- Early last night a sincular case of insanity.—Early last night a young girl of ratner prepossessing appearance, named Louisa Metz, in her twentieth year, was lodged in the station house for safe keeping, she being subject to violent fits of an insane mature. She came from Germany last summer and went to reside with officer bletz, of the police force. He has procured for ner several situations as a domestic, but scarcely would she be settled to a place when a fit would seize her, and off she would go and be missing for saveral days.

SERBUTE SALOUN APERAY.—About seven o'clock.

SERIOUS SALOON AFFRAY.-About seven o'clock last evening quite a serious personal rencontre took place in a William street drinking saloon, nearly opposite the station house, between a young man persone the station house, between a young unit named Edward whiteman and another named Perry, the result of which was that the latter had his face and hands shockingly cut—it is believed with some blunt instrument. His wounds were so serious that the services of a surgeon were promptly produced. The disturbance areas procured. The disturbance arose out of an exerted discussion on political subjects, which ended in harm names and finally blows. Both parties are quite well known in certain circles, among whom the occurrence has caused considerable little excita-

THE NEED OF AN ARMORY has long been a stable topic of discussion in military circles hereabouts, and to the want of one is mainly attributable the wretched condition of most of the military compames of this city, and the entire absence of that
esprit du corps essential to the well being and proper
morate of all such organizations. At a recent
meeting of officers and others interested
in the proposition to build an nimory,
of which General Runyon was president, a
series of resolutions were passed urging the Common Council to move forward in the matter, else it
will scarcely be possible to keep together at least the
First and veteran regiments. Generals Runyon and
Plume and Colonels Ward, Abert and Ryerson were
chosen a committee to bring the matter before the
Common Council.

Paterson. wratched condition of most of the military compa-

A Fine occurred yesterday morning in the picker room of Godwin & Co.'s cotton mill, corner of Congress and Mill strents, but the finmes were 'extin-

DREADFUL ATTACK BY A BULL On Wednesday morning Samuel Poolley, of North Haven, while feeding stock in the farmyard of Benjamin C. Payne, was attacked by a buil and badly injured. Had it not been for the arrival of a second party, who ielied the trate beast with a blow from a natchet, he would have been killed. His injuries are so severe as to confine him to his bed.

FRIGHTPUL ACCIDENTS .- Jacob Osborn, of East Hampton, met with an accident Thursday that will probably terminate fatally. He fell the whole length of a flight of stairs, cutting a gash in his head several, inches in length and infing the entire scalp. He is yet in an unconscious condition.

A man employed upon the railroad in Bridge Hampton was ran over by a wagon on Thursday night, receiving a ghastiy cut in his head and the breaking of a bone in his hip.

BURGLARS IN QUEENS COUNTY .- During the week burglars have commenced again in Queens county. Two houses in Woodside were entered on Wednes.

day night—one occupied by H. Williams and one oc-cupied by Mr. John Hicks. The burgiars were heard in the latter dweiling by Mrs. Hicks, and her screams frightened them and saved to the occupants a large amount of valuables which had been heaped together—silverware, sitk dresses, &c. The next-might ourglars entered the dweiling of Mr. A. Kaha, at Newtown village, carrying of a large quantity of provisions. FATAL ACCIDENT AT SETAURET .- On Thursday afternoon John N. Baylis, of Stony Brook, was instantly killed at Setauket. He was at work on a ship which is being built there, and at the time was plank fly back, throwing a clamp screw, weighing sevenly-five pounds, against the breast of Bayin, knocking him backward, his head striking against the keelson of the vessel, causing instant death. He was about forty-five years of age and leaves a large family.

NEW YORK CITY.

Military Rowdyism-Infant Mortality-New Emigration Commissioner-Cigar Makers' Movement-Hamilton College Alumni - Miscellaneous Incidents and Items.

The following record will show the changes in the temperature of the weather for the past twenty-four hours in comparison with the corresponding day of last year, as indicated by the thermometer at Hudant's pharmacy, Herald Building, Broadway, corner of Ann street:—

1869. 1870. | 1869, 1870, 1869, 1870, 1869, 1870

Mary Connally, of No. 201 Greene street, who had

a quarret with her lover, yesterday morning took a

dose of laudanum with a view of ending her trials and tribulations. Medical attendance saved her life, The next lecture in the free course of scientific lectures for the people, at the Cooper Union, will take place in the Great Hall, this evening at eight o'clock. Subject—"Mammals, Man and Nature." Lecturer, Professor A. J. Ebell.

Yesterday, while at work in Gildersleeve's saw mill, corner of Thirty-second street and First avenue, Francis Fries, of No. 528 East Twenty-eighth street, and two fingers cut off by his hand coming in contact with a circular saw.

The stationary engine which is to operate the West Side Elevated Railway was completed Thursday, the last shaft being now in position. There is but little more to do before the company announces the date at which travel will commence upon the line-

grant Society, held on the 20th mst. at 51 Chambers street, James Lynch, of No. 18 Broadway, was elected

president, vice Richard O'Gorman, Corporation Counsei, resigned. Mr. Lynch is therefore a Commissioner of Emigration ex officio. The funeral of Mr. Jesse O. Vanderpoel, for many years connected with the District Attorney's office

as Deputy District Attorney, and who was recently appointed Frobate Clerk by Surrogate Hutchings, took place yesterday afternoon from No. 1 West Sixteent ostreet, corner of Firth avenue. The remains were taken to Kinderhook. Several of the prominent milk dealers of this city have recently been victimized by an ingentous swindler, who is in the habit of representing himself as their authorized agent for the collection of bills. He is described as a tall, shin individual, with dark hair and eyes. Captain Aliaire has been on his track for some time, but has not yet succeeded in

Messrs, Appin & Co., of No. 99 Fulton street, state that the report of an attempted burglary at their establishment a day or two since was erroneous in estating that the establishment was 'a liquor store," as that is not the ousness in which they are engaged, and persons reading the report might be thereby led to suppose that they had abandoned their old me of business. Rubhar i Ternan & Son, of the same building warnly command the action of order Kenny, of the Second precinct, in frustrating the attempted robbers.

The said of the remainder of Mr. Burr's stock of jewelry was continued yesterday. The attendance was much larger than on Thursday, and there being more bidders the prices realized were much better. of rivalry displayed. A large opal ring, set around with diamonos, sold for \$119; another, with a large Syrian garnet, sold for \$29. Several gold chains sold for \$12, \$15 and \$20.

A committee of the National Tobacco Association have lest this city for Washington to present Congress with a petition, setting forth that by the reduction of the duties on imported cigars from fitty to tion of the duties on imported eights from firty to tweaty-live per cent at earlorem, and from three dollars to \$2 50 per ib., while the duties on imported tobacco are not changed, the eight manufacturing trade in this country is being runnen and thousandstof men thrown out of employment; and, therefore, praying that the tax on imported tobacco be reduced. The eight makers of New York hold a mass meeting at the Astor House to-day.

On Wednesday night a gentleman on his way from the Post Office encountered four soldiers on the side walk in Nassau street, by whom he was assalled and waik in knascu street, by whom he was assance and assanticel, although no great damage was done. Inassunce, however, as the soldiers dasgraced the uniform tags were by their rufflamy conduct, the commanding officer at dovernor's Island or Fort
Hamilton should make an investigation, find out
what four soldiers were absent at unlarght of
wednesday last and ball and engin the fellows, or
restrain from of their hoesty until they can botter
deman themselves when permitted a furlough.

Coroner Schumer was vesterday called to bold an inquest on a stillborn child at 54 Oliver street. The names of the parents of the infant did not appear. names of the parents of the infant did not appear.

A dead child (no name given) was taken to the eleventh precinct station house, but where the remains were found did not appear. Coroner Senirmer will develop further particulars. An infant was reported dead at 22 West street and the Coroner notined. An individual, whose name was not given, died suddenty at 419 Greenwich gireet and one of the coroners was called to hold an inquest on the body.

At a meeting of the Hamilton College (New York) Alumni, resident in this city, on Thursday, the following officers were chosen for the ensuing year:—Freshent, Joseph S. Bosworth, LL. D.; Vice Presidents, General John Cochrane, Edwin C. Luchield, LL. D.; Daniel Huntington, LL. D.; Rev. Thomas S. Hasinga, D. D.; Rev. Henry Kendah, D. D.; Francis Kandail. Gorresponding Secretary, Island Hoot. Executive Committee—Professor John M. Pomeroy, LL. D.; Professor D. H. Cochrane, LL. D. Il was determined that the annual dumer should be held at the Astor Horbe, Footnery 24. The Ammint in all parts of the country are respectfully invited to be present.

ing Lot Association's report in tabulated forms and sententions paragraphs the prosperous condition of gress and Mill streats, but the flames were extinguished before any great damage was done. About three bases of cotton were destroyed—not insured. The damage done to building and macamery was slight, and covered by insurance.

The WYNOCKIE MYSTERY.—The Board of Free-holders yesterday increased the reward operet for the recovery of the lost children of Joseph Wybie to \$500. An examination of the parents yesterday in Paterson and their knowledge of the analy conclusions.